

1 Craig D. Webster
2 Federal Defenders of Eastern Washington & Idaho
3 306 E. Chestnut Ave.
4 Yakima, WA 98901
5 (509) 248-8920

6 Attorney for Defendant
7 Alberto Pastrana

8
9
10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON
12 The Honorable Stanley A. Bastian

13 United States of America,

14 Plaintiff,

15 v.

16 Alberto Pastrana,

17 Defendant.

18 No. 1:22-CR-2058-SAB

19 **Motion to Continue Trial**

20 Without Oral Argument
21 October 5, 2022, 6:30 p.m.

22 Alberto Pastrana moves this Court to continue the pretrial
23 conference and trial in his case. The pretrial conference is currently set
24 for October 5, 2022, and trial is currently set for October 17, 2022. This
25 is Mr. Pastrana's second continuance request and the government does
26 not have an objection.

1 On May 16, 2022, Mr. Pastrana was arraigned on a one-count
2 indictment charging him with Felon in Possession of Firearms in
3 violation of 18 U.S.C. § 922(g)(1), 924(a)(1).¹ On July 15, 2022, Mr.
4 Pastrana was arraigned on a two-count superseding indictment which
5 added count 2 charging him with Possession with Intent to Distribute 5
6 Grams or More of Actual (Pure) Methamphetamine in violation of 21
7 U.S.C. § 841(a)(1), (b)(1)(B)(viii). Mr. Pastrana is currently in custody
8 pending trial at the Yakima County Jail. An offer has been made by
9 the government for Mr. Pastrana's consideration. The government has
10 made its intentions clear that two additional charges will be added in a
11 third superseding indictment should Mr. Pastrana not accept their offer
12 to plead guilty. The defense team consistently meets with Mr. Pastrana
13 and progress is being made on his case.

15 Mr. Pastrana has been active in the law library at the County Jail
16 and has provided counsel with a list of cases and potential issues for
17 review. Counsel has independently identified potential pretrial issues
18 through independent legal research. Additional time is necessary to
19 complete legal research and to draft pretrial motions in a timely

21 ¹ See ECF Nos. 1, 13.

1 manner. Counsel has discussed this with Mr. Pastrana and he is in
2 agreement that a continuance is in his best interest to complete the
3 necessary work to file comprehensive pretrial motions on his behalf.
4 Finally, should the case proceed to trial additional time is necessary to
5 prepare Mr. Pastrana's defense for trial. Based on this need the
6 defendant moves, through counsel, for a continuance.

7 Counsel therefore believes that a continuance is necessary to
8 allow reasonable time, exercising due diligence, to effectively prepare
9 Mr. Pastrana's defense. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

10 Defense counsel has discussed the need for the requested
11 continuance with Mr. Pastrana, and he agrees with the request. He also
12 acknowledges that any continuance would constitute excludable time
13 under the Speedy Trial Act, and he has signed a speedy trial waiver to
14 that effect.

16 Counsel was provided continuance dates by Madame Courtroom
17 Deputy Fox in an email correspondence of which Mr. Burson was
18 included. The dates provided by Madame Courtroom Deputy Fox work
19 for defense counsel and Mr. Pastrana. Mr. Burson has indicated that
20 the government has no objection to the continuance (or dates).

1 Based on the foregoing, Mr. Pastrana respectfully requests that
2 the Court continue his pretrial conference to January 11, 2023, and
3 continue trial to January 23, 2023, adjust the associated deadlines, and
4 order that the time of the continuance is excludable for purposes of the
5 Speedy Trial Act.

6
7 Dated: October 3, 2022.
8
9

10 By s/ Craig D. Webster
11 Craig D. Webster,
12 WSBA# 40064
13 Federal Defenders of Eastern
14 Washington and Idaho
15 306 East Chestnut Avenue
16 Yakima, Washington 98901
17 (509) 248-8920
18 (509) 248-9118 fax
19 Craig_Webster@fd.org
20
21

Certificate of Service

I hereby certify that on October 3, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Richard C. Burson, Assistant United States Attorney.

s/ Craig D. Webster
Craig D. Webster